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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,992	03/06/2002	Junzo Sunamoto	Yanagihara C-49A	8077
7590 06/23/2004 Flynn, Thiel, Boutell & Tanis, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1699			EXAMINER LEWIS, PATRICK T	
			ART UNIT 1623	PAPER NUMBER
DATE MAILED: 06/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/091,992	Applicant(s) SUNAMOTO ET AL.	
	Examiner Patrick T. Lewis	Art Unit 1623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.


Claim(s) rejected: 19-22, 24 and 25.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


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 PRIMARY EXAMINER
 GROUP 1800

Continuation of 10. Other: The declaration under 37 CFR 1.132 filed May 27, 2004 has not been considered on the merits because the declaration is not signed. Akiyoshi teaches a cholesterol-substituted polysaccharide derivative wherein pullulan is the polysaccharide. Aiyoshi differs from the instantly claimed invention in that Aiyoshi does not explicitly teach content of an impurity product in which both of the NCO groups in the diisocyanate are reacted with the hydroxyl group-containing hydrocarbon having 12-50 carbon atoms or with sterol being no greater than 0.05% by weight. Purer forms of known products may be patentable, but the mere purity of a product, by itself, does not render the product unobvious. Since the Office does not have the facilities for preparing the claimed materials and comparing with prior art inventions, the burden is on applicant to show a novel or unobvious difference between the claimed product and the product of the prior art. In the absence of some proof of a secondary nature to obviate the rejection as set forth supra, or of some specific limitations which would tip the scale of patentability in the favor of the instantly claimed invention, the instantly claimed product of a polysaccharide is indeed prima facie obvious..


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